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## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON/GREENWOOD DIVISION

Heidi M. Dawley,	)	Civil Action No.:	8:20-cv-01133-RBH
	)		
Plaintiff,	)		
	)		
v.	)	ORDER	
	)		
Andrew M. Saul, Commissioner	)		
of the Social Security Administration,	)		
	)		
Defendant.	)		
	)		

This matter is before the Court for review of the Report and Recommendation ("R & R") of United States Magistrate Judge Jacquelyn D. Austin.<sup>1</sup> The Magistrate Judge recommends reversing and remanding the Commissioner's final decision for further administrative action.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R,<sup>2</sup> and the Commissioner filed a notice stating he would not be filing objections. *See* ECF No. 20. In the absence of objections to the R & R, the

<sup>&</sup>lt;sup>1</sup> This matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) for the District of South Carolina.

<sup>&</sup>lt;sup>2</sup> Objections were due by May 14, 2021.

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Court is not required to give any explanation for adopting the Magistrate Judge's recommendations.

See Camby v. Davis, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error

in the absence of an objection. See Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315

(4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not

conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face

of the record in order to accept the recommendation" (quoting Fed. R. Civ. P. 72 advisory

committee's note)).

Having found no clear error, the Court ADOPTS and incorporates by reference the

Magistrate Judge's R & R [ECF No. 19]. Accordingly, pursuant to sentence four of 42 U.S.C. §

405(g), the Court **REVERSES AND REMANDS** the Commissioner's final decision for further

administrative action consistent with the R & R.

IT IS SO ORDERED.

Florence, South Carolina May 17, 2021 <u>s/ R. Bryan Harwell</u>R. Bryan HarwellChief United States District Judge

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